

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: DEV, et al.

International App. No.: PCT/US2004/037027

Group Art Unit:

International Filing Date: November 5, 2004

Examiner:

For: CANCER TREATMENT METHOD

Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Applicants request that the references identified on Form PTO-1449 appended hereto be considered by the Examiner and officially made of record in accordance with the provisions of 37 CFR 1.97

- ☐ Copies of the references are enclosed  
☐ Copies of the references were submitted in parent application Serial No. \_\_\_\_\_ (37 CFR 1.98(d))  
☒ A copy of the International Search Report which issued on International Application No. PCT/US2004/037027 is submitted herewith. All of the publications cited in the International Search Report are listed on the attached form PTO-1449 and Applicants understand that copies have been supplied to the U.S. Patent Office by the International Bureau.

- A. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the above application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

OR

- ☐ The Information Disclosure Statement submitted herewith is being filed before the mailing of a first office action after the filing of a Request For Continued Examination under 37 C.F.R. 1.114 (37 C.F.R. 1.97(b)(4)).

- B. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** three months of the filing date of the above application or the date of entry into the national stage as set forth in § 1.491 of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last, but **before** the mailing date of either:  
(1) a final action under § 1.113 or  
(2) a notice of allowance under § 1.311,  
whichever occurs first.

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

- ☐ Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under § 1.97(c) (\$240.00).

- C. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before the payment of the issue fee. Also enclosed is a copy of the International Search Report which issued on International Publication No.

In accordance with the requirements of 37 CFR 1.97(d):

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ Applicant hereby petitions for the consideration of the accompanying Information Disclosure Statement. 37 CFR 1.97(d)(ii).
- ☐ The petition fee set forth in § 1.17(i)(1) (\$130.00) is submitted herewith.

☒ Please charge any required fees to Deposit Account No. 07-1392.

☐ A duplicate copy of this paper is attached.

Respectfully Submitted,

  
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Date: May 5, 2006

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| <b>FORM PTO-1449</b><br><b>INFORMATION DISCLOSURE STATEMENT</b>   |   |   |                         | <b>ATTORNEY DOCKET NO.</b><br>PR60548USW    |                        | <b>INTERNATIONAL APP. NO.</b><br>PCT/US2004/037027 |                                   |
|   |   |   |                         | <b>APPLICANT</b><br>DEV et al.              |                        |  |                                   |
|   |   |   |                         | <b>INTERNATIONAL FILING DATE</b><br>11/5/04 |                        | <b>GROUP</b>                                       |                                   |
| <b>U.S. PATENT DOCUMENTS</b>  |   |   |                         |   |                        |  |                                   |
| <b>Examiner Initials</b>  |   | <b>Patent Number</b>  | <b>Issue Date</b>       | <b>Name</b>                                 | <b>Class</b>           | <b>Subclass</b>                                    | <b>Filing Date if Appropriate</b> |
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| <b>FOREIGN PATENT DOCUMENTS</b>   |   |   |                         |   |                        |  |                                   |
|   |   | <b>Document Number</b>  | <b>Publication Date</b> | <b>Country</b>                              | <b>Class</b>           | <b>Subclass</b>                                    | <b>Translation Yes   No</b>       |
|   | 1 | 99/35146  | 7/15/99                 | PCT   |                        |  |                                   |
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| <b>OTHER DOCUMENTS (Including Author, Title, Journal-Date, Page Number, Etc.)</b>   |   |   |                         |   |                        |  |                                   |
|   | 2 | Xia, W. et al., "Anti-tumor activity of GW572016: a dual tyrosine kinase inhibitor blocks EGF activation of EGFR/erbB2 and downstream Erk1/2 and AKT pathways," abstract, Oncogene, 21(4), pp. 6255-6263, 2002.                               |                         |   |                        |  |                                   |
|   | 3 | Chen, X et al., "Constitutively active Akt is an important regulator of TRAIL sensitivity in prostate cancer, abstract, Oncogene, 20(42), pp. 6073-6083, Sep. 20, 2001.   |                         |   |                        |  |                                   |
|   | 4 | Brognard, J. et al., "Akt/protein kinase B is constitutively active in non-small cell lung cancer cells and promotes cellular survival and resistance to chemotherapy and radiation," abstract, Cancer Research, 61(10), pp. 3986-3997, 2001. |                         |   |                        |  |                                   |
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| <b>EXAMINER</b>   |   |   |                         |   | <b>DATE CONSIDERED</b> |  |                                   |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. |   |   |                         |   |                        |  |                                   |